



**City Council  
Pre Agenda/Regular Meeting Minutes  
Monday  
November 09, 2015 @ 6:00 pm**

**Members Present:** *Mayor*, Jesse Hill; Council members: Chester Ayers, Gene Byerly, Jack Carico, Jerry Daniels, Linda Gantt, Ed Lohr and Don Payne.

**Members Absent:** Debbie Frazier

**Others Present:** City Manager, Debbie Hinson; City Attorney, Nick Herman; Public Works Director/ Stormwater Administrator, Rich Baker; Planning Director, Marc Allred; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette De Ruyter; Randolph County Deputy, Eric Wilson; and other interested parties.

**1. Call to Order**

Mayor Hill called the Meeting to order at 6:01pm.

**2. Pledge of Allegiance and Invocation**

Mayor Hill led the Pledge of Allegiance and Council member Payne gave the Invocation.

**3. Review and Discuss Items listed on the Regular Meeting Agenda**

*Motion by Council member Payne to remove Items 3, 4 and 5 from the Agenda until January 2016 Meeting. The motion was seconded by Council member Byerly and approved unanimously 7 ayes and 0 nays with Council member Frazier absent.*

**Regular Meeting Begins Here:**

**I. Council Action to Accept or Amend the Regular Meeting Agenda**

The Regular Meeting Agenda was amended at the Pre- Agenda Session upon *motion by Council member Payne to remove Items 3, 4 and 5 from the Agenda until the January 2016 Meeting. The motion was seconded by Council member Byerly and approved unanimously 7 ayes and 0 nays with Council member Frazier absent.*

## **II. Standing Report**

### **A. Ennis Flint Sewer Extension**

Mr. Baker briefed the Council on the status of the Ennis Flint Sewer Extension. The contracts are now in the hands of the two funding agencies. We are awaiting all their signatures. We hope to next week to hold a Pre- Construction meeting once all documents have been signed. The contractor for this project is H & C Contractors.

Mayor Hill opened the Public Comment at this time.

## **III. Public Comment Period**

**Randy Leonard- 3848 Colonial Circle**, Mr. Leonard addressed the Council in reference to an abandoned swimming pool at his neighbor's house. He discussed the nuisance this has caused his family. They have had to move their bedroom to the other end of the house because of the noise of the frogs. The mosquitos are a problem as well as opossums, snakes and odor.

He stressed to the Council this should fall under the Public Nuisance Law 9108 any accumulation of trash, garbage or rubbish that could become a fire hazard or causing stagnant water. He has killed several snakes and neighbors have been killing snakes also.

The property can be accessed easily or feel free to come to his residence and he will be happy to direct you.

Council member Ayers discussed if he had contacted the city on this issue. Council member Payne intervened with this issue and thanked him for his presentation of his problem.

Mr. Allred explained to the Council that the pool has been shocked several times this year. He will contact the owner to see if she would be interested in putting a sump pump in the pool. He will address a long term solution to rectify this issue.

Council member Lohr was concerned about the possibility of a child drowning. The gate does have a lock and the chances would be slim.

**Brenda Campbell- 3424 Circle Court**, Ms. Campbell addressed the Council about Circle Court. She asked them to please put her street on the city street system. The street has numerous potholes. I have been addressing the problems to DOT about the street and have approached Council previously but to no avail.

Council member Gantt wanted to know how many houses were on this street. Ms. Campbell replied approximately 8 houses on this street.

**IV. Consideration of Consent Agenda:** These items are considered routine, non-controversial and are considered and approved by motion, second, and vote.

**1. Approval of the Minutes for the October 19, 2015 Meeting Minutes**

Mayor Hill opened this item and called for a motion to approve (Item 1) October 19, 2015 Pre-Agenda and Regular Agenda minutes.

*Council member Daniels made a motion to approve the October 19, 2015 minutes (pre-agenda and regular minutes) as written and presented. The motion was seconded by Council member Carico and approved with a vote of 7 ayes and 0 nays with Council member Frazier absent.*

**V. Public Hearings**

**2. Text Amendment to Article VII, Section 7-14, No. 5, Home Occupation – (Removal of Grading and Contractors Operation from the Zoning Ordinance)**

Mayor Hill opened the Public Hearing at 6:23 p.m.

Mr. Allred discussed the Planning and Zoning board has requested that Council consider the Removal of Home Occupation Grading and Contractors Operations from the Zoning Ordinance.

Mr. Allred explained that anyone who had a permit prior to the removal of this use would be grandfathered. However, if their permit should be revoked they could not obtain another permit even if they did come into compliance since Grading and Contractors use would be removed from Home Occupation allowed uses in the Ordinance.

**See Page 39 section 5 Attached**

Council member Lohr responded he felt like the citizens should voice their opinion before any decision is made on the change. He felt there should be an Open Meeting and have input from the citizens of the City.

There was discussion between Council member Ayers and Mr. Allred regarding the requirement for a Public Hearing. After confirmation was established that a Public Hearing was required for this request, Council member Ayers commented that the Public Hearing would serve as public input from the citizens of the City.

Council member Gantt asked if a Public Hearing had already been advertised for this item. Planning Director Allred confirmed that a Public Hearing Advertisement had been completed to allow a Public Hearing tonight.

Council member Payne asked for confirmation that only one (1) use Grading and Contractors Home Occupation was the only item singled out for removal and if we could single out one business.

Planning Director Allred confirmed that one business was being singled out.

Council member Ayers clarified that we are not singling them out we are just removing this use from the Home Occupation portion of the Ordinance. This use would be allowed in other zoning areas.

Council member Carico asked why this item was being presented at this time.

Planning Director Allred informed members that this amendment was proposed by the Planning Board at their October meeting.

Council member Lohr discussed his feelings concerning this proposed change and how he felt that it affected growth. It was his opinion that someone with 5 acres of property should be allowed to have this type of business.

There was further discussion concerning current residents this change could affect if they own a backhoe or other equipment that may not be aware this would apply to them as well and that could have been doing this in the past.

Mr. Allred reiterated that this change would be eliminating Grading and Contractor as a Home Use. This use would not be allowed for property zoned Residential Agriculture (RA) or (R-40) with 5 acres if this change is made. If a complaint is made against an existing business of this type under the Home Occupation, the business would no longer be allowed.

At this time, Mayor Hill opened the Public Hearing for anyone who wished to speak for or against this request. Hearing none, the Public Hearing was closed.

Mayor Hill reviewed the options that were available to Council concerning this request that included removal of Grading and Contractor Home Occupation from the Zoning Ordinance, Not to remove Grading and Contracting from the Zoning Ordinance as a Home Occupation, or table the decision for further discussion until January 11, 2016.

***Council member Lohr made a motion to table the decision for further discussion until January 11, 2016. The motion was seconded by Council member Carico and approved with a vote of 5 ayes and 2 nays by Council member Ayers, and Payne. Council member Frazier was absent.***

- 3. Text Amendment to Sign Ordinance to allow Off-Premise Directional Signs**  
*(Marc Allred, Planning Director)*
- 4. Text Amendment to Sign Ordinance to allow Temporary Off-Premise Signs**  
*(Marc Allred, Planning Director)*
- 5. Text Amendment to Sign Ordinance to allow Animated Signs**  
*(Marc Allred, Planning Director)*

Items 3, 4 and 5 were removed from Agenda upon ***motion by Council member Payne, seconded by Council member Byerly, and approved unanimously by a vote of 7 ayes and 0 nays with Council member Frazier absent. These items will be included on the January 2016 Agenda.***

## **VI. New Business**

### **6. Consider Removal of Street Moratorium and add Warren/Grove Streets to the City Street System** (*Rich Baker, Public Works Director/ Rick Austin, Engineering Consultant*)

Mayor Hill opened this item and turned the discussion over to Mr. Baker for staff presentation.

Mr. Baker reviewed information regarding these streets. Warren and Grove Streets are private streets in Trinity that have sewer lines and manholes located beside them. By adding these two (2) streets in the City Street System it would allow easier access for inspection and needed repair to the City Sewer System, it would allow emergency vehicles the ability to reach these residents and the residents in this area would be allowed to receive City Garbage service.

What we are proposing is that the City take over these streets as graveled streets until all utilities are completed which would include installation of sewer taps to all vacant properties prior to the installation of asphalt. There also needs to be an extension of approximately 400 feet of the water lines. I have spoken to an employee with Davidson Water who advised me that there was usually a charge to extend water lines. If there is a charge it would be incurred by the residents and not the City.

Council member Carico discussed the 400 ft. extension and asked if only 1 home was located in this 400 ft. distance and if this 1 home owner would be responsible for the entire costs for the extension.

Mr. Baker replied that the owner in question could approach the owners of vacant lots and ask for their participation in the costs but whatever the outcome the owners requesting the extension would be responsible for the costs.

Our proposal is to install sewer taps especially on the long side services so that we would not have to disturb the asphalt once it was completed.

Mr. Baker and Council members discussed some of the specifics associated with this property which included the approximated 10 to 12 vacant parcels where taps would need to be placed, the approximate costs to the City for these taps, and the infill development that could occur if sewer was available to these lots. Mr. Baker confirmed that the City would recoup these fees when infill development was made.

Council members discussed the possibility that no infill development may occur and these costs may not be recouped. It was Council member Payne's feeling that if taps were not put on these properties no infill development would ever occur in this area. He also agreed that installation of the taps prior to asphaltting these roads would save the infrastructure and it would cost the city more to do one tap after improvements than it will cost to install 10 taps before improvements.

He asked if the City had a right of way in this area and if our current Ordinance required that residents participate in the costs for the City to assume maintenance for private streets.

Mr. Baker confirmed that there is a platted right of way for these streets. Our current Ordinance does contain language concerning owner participation for costs in order for the City to assume

maintenance of private streets, and that these streets had to be brought to state standards? If the Council accepts this is the City going to bring this up to standard at no costs to the residents.

Mr. Baker confirmed that the current policy did require a 50/50 cost share for the resident and the city.

Manager Hinson discussed the provision included in the current private street policy regarding the City's ability to assume maintenance of private roads without a charge for public welfare reasons with no effect on the current street policy.

Mr. Baker agreed with Manager Hinson that should Council wish to proceed in this manner they could do so with no effect on the current street policy.

If Council were to consider this request you will need to make a motion to remove the current moratorium that exists regarding accepting any additional streets to the city system.

Mr. Baker continued the discussion and advised members that he would be presenting a list of proposed additions to the city street systems and Powell Bill Funding at the next meeting. There are approximately 33 streets on this list. The majority of these streets are platted.

Council member Ayers asked how and who determined the public safety reasons to take over a private street.

Mr. Baker stated that the City Manager and staff would meet with the fire department and other entities that provided emergency services in the area or any public service that may be used to determine the need for the city to assume a street. That information will be provided to Council for discussion and to determine if the City would pursue acceptance of a street in this manner.

There was discussion concerning how these streets became known as "orphaned" and the definition of orphan. Council member Payne discussed the definition given for "orphan" and asked if the City once owned these streets.

Mr. Baker explained that these streets were done prior to the incorporation of the City. The developer platted the streets with the appropriate rights of ways but for some reason the development was not finished or the rights of ways recorded properly. At the time the City incorporated these streets did not fall under maintenance of NCDOT. The state does not maintain subdivisions located in the city and the city does not maintain all streets located within their city limits. Therefore, streets such as this were left with no one to maintain them and technically belonged to the developer who have either passed away or abandoned maintenance of the street.

Mayor Hill reviewed action that needed to be made by Council stating that the first motion needed for this item if Council wishes to approve is a motion to remove the Street Acceptance Moratorium. The second motion will be to add Warren and Grove streets to the City Street System as Gravel Roads until such time all utilities have been installed to allow for paving of these two (2) streets.

*Council member Payne made a motion to remove the Moratorium for accepting streets. The motion was seconded by Council member Carico and approved unanimously by all Council members present by a vote of 7 ayes and 0 nays with Council member Frazier absent.*

After discussion concerning addition of other streets that may be added to this list for consideration, *Council member Ayers made a motion to add Warren and Grove Streets to the City Street System as Gravel Roads until such time all utilities have been installed to allow for paving of these two (2) streets. The motion was seconded by Council member Payne and approved unanimously by a vote of 7 ayes and 0 nays with Council member Frazier absent.*

## **VII. Code Enforcement Report and Permits Report** *(Marc Allred, Planning Director)*

Planner, Marc Allred reported that for the month of October there were 9 cases open and 17 cases were closed. The calls begin to decrease during October due to the cooler weather.

## **VIII. Business from City Manager and Staff**

Jacob Carroll pick up scheduled for Friday November 20, 2015 at 9:00 am. Breakfast will be served at 8:30 for anyone that participates.

Shred-It Event scheduled for Saturday November 14, 2015 for three hours. This event begins at 10:00 and lasts until 1:00 pm.

## **IX. Business from Mayor and Council**

Council member Daniels discussed delinquent accounts for the City of Trinity. He was curious about the process of collecting past due amounts.

Manager Hinson replied that she will be sending out letters advising the past due accounts payment must be made. These letters will include a deadline for payment. If no payment is received, the City Attorney will correspond to the account holders with another letter regarding legal proceedings that will be started if the account is not paid in full again with a deadline date prior to legal proceedings.

Council member Payne discussed printing the names of the delinquent accounts in the paper. He asked for the Agendas to be given to the Council sooner. The Council would appreciate receiving the Agendas at least one week prior to the meeting.

## **X. Adjournment**

With no other business to discuss, *Council member Ayers made a motion to adjourn the November 9, 2015 Regular Meeting at 7:14 pm. The motion was seconded by Council member Daniels and approved unanimously with a vote of 7 ayes and 0 nays with Council member Frazier absent.*